

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Park Heights Ave., 520 ft. N of c/l Melissa Court
11016 Park Heights Avenue
3rd Election District
3rd Councilmanic District
Benjamin J. Hassan, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-183-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 12 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of January, 1993 that the Petition for a Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 12 ft., in lieu of the required 50 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 6, 1993

Mr. and Mrs. Benjamin J. Hassan
11016 Park Heights Avenue
Owings Mills, Maryland 21117

RE: Petition for Administrative Variance
Case No. 93-183-A
11016 Park Heights Avenue

Dear Mr. and Mrs. Hassan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 11016 Park Heights Avenue
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A 04.3 B 3 to allow a side set back of 12 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
We are proposing addition of room to accommodate growing family. The lot is long and narrow. To accommodate the existing floor plan, the only place for a family room addition is to the side as proposed. The proposal site is well screened from neighboring property with trees and shrubs.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessor: _____
(Type or Print Name)
Signature: _____
Address: _____
City: _____ State: _____ Zip: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone No: _____

With do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s): Benjamin J. Hassan
(Type or Print Name)
Signature: _____
Address: 11016 Park Heights Avenue 410-363-7133
Owings Mills, Maryland 21117
City: _____ State: _____ Zip: _____
Home, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Benjamin J. Hassan
11016 Park Heights Ave. (daytime) 669-5070
Phone No: _____

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, Inc., that the subject matter of this petition be set for a public hearing, to be held on the date and at the place specified below, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: LG DATE: 12/15/92
ESTIMATED POSTING DATE: 12/20/92
ITEM #: 197

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11016 Park Heights Avenue
Owings Mills, Maryland 21117

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (attach hereto or present affidavit)

The lot is long and narrow. To accommodate the existing floor plan of the house, the only place to build an addition is on the side. The site is well screened from neighboring properties with shrubs and trees.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Benjamin J. Hassan
Judy B. Hassan

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, on 30th day of December 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Benjamin J. Hassan & Judy B. Hassan

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) and made oath to the facts of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12.3.92

NOTARY PUBLIC
My Commission Expires: 31.98

ZONING DESCRIPTION

FOR: 11016 Park Heights Avenue
Owings Mills, Maryland 21117

Beginning at a point on the west side of Park Heights Avenue which is 50 feet wide at the distance of 520 feet north of the center line of the nearest improved intersecting street known as Melissa Court, which is 50 feet then west 280 feet along a private drive, S 5 degrees 09' 15" W 83.31 feet, N 84 degrees 50' 45" W 472.35 ft. S 5 degrees 05' 11" E 108.57 feet and a series of curving lines with radii as described by attached legal description marked exhibit A.

EXHIBIT "A"
LEGAL DESCRIPTION

BEGINNING FOR THE SAME AT A POINT IN THE CENTER LINE OF THE RIGHT OF WAY OF THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY, 16 FEET AND 6 INCHES WIDE FOR UNDERGROUND CABLES AND THE NORTHERNMOST OUTLINE OF "ONE MILE NORTH" AND ON THE SOUTHERNMOST OUTLINE OF LOT NO. 1 AS LAID OUT ON THE PLAT OF PIPER TRACT NO. 1 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT CENTER LINE OF SAID RIGHT OF WAY NORTH 14 DEGREES, 05 MINUTES AND 11 SECONDS EAST 108.57 FEET TO THE CENTER LINE OF AN EXISTING PRIVATE ROAD; THENCE BINDING ON THE CENTER LINE OF SAID OTHERS ENTITLED THERETO, THE ELEVEN FOLLOWING COURSES AND DISTANCES, TO WIT: (1) SOUTH 86 DEGREES, 49 MINUTES AND 40 SECONDS EAST 52.51 FEET; (2) SOUTHEASTERLY BY A LINE CURVING TOWARD THE SOUTH (RIGHT) WITH A RADIUS OF 296.32 FEET AND A CHORD WHICH BEARS SOUTH 82 DEGREES, 00 MINUTES AND 20 SECONDS EAST 49.82 FEET THE DISTANCE OF 49.88 FEET; (3) SOUTH 77 DEGREES AND 11 MINUTES EAST 37.94 FEET; (4) SOUTHEASTERLY BY A LINE CURVING TOWARD THE EAST (LEFT) WITH A RADIUS OF 273.08 FEET AND A CHORD WHICH BEARS SOUTH 82 DEGREES 24 MINUTES AND 50 SECONDS EAST 49.79 FEET THE DISTANCE OF 49.86 FEET; (5) SOUTH 87 DEGREES, 36 MINUTES AND 40 SECONDS EAST 26.61 FEET; (6) SOUTHEASTERLY BY A LINE CURVING TOWARD THE SOUTH (RIGHT) WITH A RADIUS OF 264.21 FEET AND A CHORD WHICH BEARS SOUTH 82 DEGREES, 14 MINUTES AND 20 SECONDS EAST 49.78 FEET THE DISTANCE OF 49.85 FEET; (7) SOUTH 76 DEGREES AND 50 MINUTES EAST 63.73; (8) SOUTHEASTERLY BY A LINE CURVING TOWARD THE SOUTH (RIGHT) WITH A RADIUS OF 307.00 FEET AND CHORD WHICH BEARS SOUTH 73 DEGREES 06 FEET; (9) SOUTH 69 DEGREES 22 MINUTES AND 40 SECONDS EAST 43.25 FEET; (10) NORTHEASTERLY BY A LINE CURVING TOWARD THE NORTH (LEFT) WITH A RADIUS OF 45.11 FEET AND A CHORD WHICH BEARS NORTH 79 DEGREES 57 MINUTES AND 15 SECONDS WEST 83.31 FEET TO THE "PLAT OF PIPER TRACT NO. 1" HEREINAFTER REFERRED TO AND THENCE RUNNING WITH AND BINDING ON SAID OUTLINE NORTH 84 DEGREES BEGINNING. CONTAINING 1.015 ACRES, MORE OR LESS. THE COURSES IN THE ABOVE DESCRIPTION ARE REFERRED TO THE MAGNETIC MERIDIAN OF 1932. BEING PART OF LOT NO. 1, AS LAID OUT ON THE "PLAT OF PIPER TRACT NO. 1", AND RECORDED IN PLAT BOOK CNK NO. 13, FOLIO 75. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 11016 PARK HEIGHTS AVENUE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 12/15/92
Posted for: 12/15/92
Petitioner: Benjamin J. Hassan & Judy B. Hassan
Location of property: 11016 Park Heights Ave. (11016) 320 N. Melissa Ct.
Location of Signs: Facing road on west side of property of Petitioner
Remarks: [Signature]
Posted by: [Signature] Date of return: 12/18/92
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 9-001-8150
Number

12/03/92
FURNITURE: [Signature]
010 - [Signature]
080 - [Signature]
LAST DATE OF CHECK: [Signature]
Please Make Checks Payable To: Baltimore County
\$65.00

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



December 22, 1992

(410) 887-3353

Mr. and Mrs. Benjamin J. Hassan
11016 Park Heights Avenue
Owings Mills, MD 21117

RE: Case No. 93-183-A, Item No. 197
Petitioner: Benjamin J. Hassan, et ux
Petition for Administrative Variance

Dear Mr. Hassan:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

Your petition has been received and accepted for filing this
3rd day of December 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards
Chairman,
Zoning Plans Advisory Committee

Petitioner: Benjamin J. Hassan, et ux
Petitioner's Attorney:



Printed on Recycled Paper



Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature _____ Date 12/18/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Catherine L. Graham	191	12-14-92	NC
DED DEPRM RP STP TE			
✓ Richard C. and Nancy G. Powell	192		NC
DED DEPRM RP STP TE			
Huntington Development Corporation	193		Comment
DED DEPRM RP STP TE			
Nancy E. and David M. Paige	194		Comment
DED DEPRM RP STP TE			
✓ Albert J. and Marlene C. Riggio	195		NC
DED DEPRM RP STP TE			
Rikir	196		NC
DED DEPRM RP STP TE			
✓ Benjamin J. and Judy B. Hassan	197		NC
DED DEPRM RP STP TE			
✓ Ronald and Shelley Seff	198		NC
DED DEPRM RP STP TE			

COUNT 8

90476 Stonegate at Patapsco (Azeal Property)
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS
COUNT 9

*** END OF REPORT ***



Maryland Department of Transportation
State Highway Administration

O. James Lighizer
Secretary
Hal Kassoff
Administrator

Ms. Julia Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: #197 (L36)
Benjamin + Judy Hassan

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 12/16/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
ZONING OFFICE

My telephone number is _____
Tollfree for impaired hearing or speech
383-7555 Baltimore Metro - 585-4451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 15, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee
(December 14, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Catherine L. Graham, Item No. 191 ✓
Richard and Nancy Powell, Item No. 192 ✓
Huntington Development Corp., Item No. 193 ✓
Albert and Marlene Riggio, Item No. 195 ✓
Benjamin and Judy Hassan, Item No. 197 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Gary L. Kern*

PK:rdm

Rec'd 12/16/92
1912357.ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 12/18/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Catherine L. Graham	191	N/C	12-14-92
DED DEPRM RP STP TE			
✓ Richard C. and Nancy G. Powell	192		
DED DEPRM RP STP TE			
Huntington Development Corporation	193		W/C
DED DEPRM RP STP TE			
Nancy E. and David M. Paige	194	M/T	
DED DEPRM RP STP TE			
✓ Albert J. and Marlene C. Riggio	195	N/C	
DED DEPRM RP STP TE			
Rikir	196	W/C	
DED DEPRM RP STP TE			
✓ Benjamin J. and Judy B. Hassan	197	N/C	
DED DEPRM RP STP TE			
✓ Ronald and Shelley Seff	198	N/C	
DED DEPRM RP STP TE			

COUNT 8

90476 Stonegate at Patapsco (Azeal Property)
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS
COUNT 9

*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 17, 1992

FROM: J. Lawrence Pilson, DP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #197
11016 Park Heights Avenue
Zoning Advisory Committee Meeting of December 14, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:JW:sp

PARKH/TXTSBP

Rec'd 12/16/92

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

DECEMBER 15, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BENJAMIN J. HASSAN AND JUDY B. HASSAN

Location: #11016 PARK HEIGHTS AVENUE

Item No.: #197 (LJG) Zoning Agenda: DECEMBER 14, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Contestabile*
Planning Group
Special Inspection Division

JP/KEK

Rec 12/16/92